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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,921	01/21/2004	Frank Kilian	6570P014	5754

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EXAMINER

LOHN, JOSHUA A

ART UNIT PAPER NUMBER

2114

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/762,921	<b>Applicant(s)</b> KILIAN, FRANK	
	<b>Examiner</b> Joshua A. Lohn	<b>Art Unit</b> 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-12,16,17 and 19-26 is/are rejected.
- 7) ☒ Claim(s) 3-7,13-15 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## NON-FINAL REJECTION

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The electronically accessible medium is a broad term that encompasses non-statutory embodiments for the article of manufacture. An appropriate correction would be to refer to the article of manufacture as “a computer readable medium providing instructions”. For compact prosecution, these claims will be examined as if they are statutory computer program articles.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 8-12, 16, 17, 19-22, 24, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Charisius et al., United States Patent number 7,051,316, filed April 20, 2001.

As per claim 1, Charisius discloses a computer-implemented method comprising: starting a debug node from a remote node (Charisius, col. 34, lines 5-9) wherein the debug node is one of a plurality of nodes within an instance of application servers (Charisius, col. 33, lines 41-55, where the application server for debugging is selected from a list of application servers); isolating the debug node from a messaging service of the instance of application servers (Charisius, col. 33, lines 41-55, where the debug node is isolated because of the deployment of a unique developmental EJB that is separate from any communications on the other server instances); debugging an application on the debug node from the remote node (Charisius, col. 47, lines 56-60); and stopping the debug node from the remote node (Charisius, figure 58F, where the debug node operation is stopped upon completion of the test run).

As per claim 2, Charisius further discloses the method of claim 1, wherein starting the debug node further comprises: isolating the debug node from a load-balancing mechanism of the instance of application servers (Charisius, col. 33, lines 41-55, where the application server executing the developmental EJB operates independent of all other nodes so that it is not part of any load-balancing that might exist between the other application instances).

As per claim 8, Charisius further discloses the method of claim 1, further comprising, restarting the debug node (Charisius, col. 34, lines 9-13).

As per claim 9, Charisius further discloses the method of claim 1, wherein the remote node is a development client (Charisius, col. 35, lines 23-25).

As per claim 10, Charisius further discloses the method of claim 1, wherein the debug node is a Java 2 Enterprise Edition server node (Charisius, col. 33, lines 50-52).

As per claim 11, Charisius discloses an apparatus comprising: a development environment to debug a remote application (Charisius, col. 47, lines 56-60); and a processor and logic executable thereon to start a debug node (Charisius, col. 34, lines 5-9), wherein the debug node is one of a plurality of nodes within a remote instance of application servers (Charisius, col. 33, lines 41-55, where the application server for debugging is selected from a list of application servers); isolate the debug node from a messaging service of the instance of application servers (Charisius, col. 33, lines 41-55, where the debug node is isolated because of the deployment of a unique developmental EJB that is separate from any communications on the other server instances); debug an application on the debug node (Charisius, col. 47, lines 56-60); and stop the debug node (Charisius, figure 58F, where the debug node operation is stopped upon completion of the test run).

As per claim 12, Charisius further discloses the apparatus of claim 11, wherein the processor and logic executable thereon to start the debug node further comprises a processor and logic executable thereon to isolate the debug node from a load-balancing mechanism of the instance of application servers (Charisius, col. 33, lines 41-55, where the application server executing the developmental EJB operates independent of all other nodes so that it is not part of any load-balancing that might exist between the other application instances).

As per claim 16, Charisius discloses a system comprising: a means for starting a debug node from a remote node (Charisius, col. 34, lines 5-9), wherein the debug node is one of a plurality of nodes within an instance of application servers (Charisius, col. 33, lines 41-55, where

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the application server for debugging is selected from a list of application servers); a means for isolating the debug node from a messaging service of the instance of application servers (Charisius, col. 33, lines 41-55, where the debug node is isolated because of the deployment of a unique developmental EJB that is separate from any communications on the other server instances); a means for debugging an application on the debug node from the remote node (Charisius, col. 47, lines 56-60); and a means for stopping the debug node from the remote node (Charisius, figure 58F, where the debug node operation is stopped upon completion of the test run).

As per claim 17, Charisius further discloses the system of claim 16 wherein the means for starting the debug node further comprises: a means for isolating the debug node from a load-balancing mechanism of the instance of application servers (Charisius, col. 33, lines 41-55, where the application server executing the developmental EJB operates independent of all other nodes so that it is not part of any load-balancing that might exist between the other application instances).

As per claim 19, Charisius further discloses the system of claim 17, wherein the means for debugging the application on the debug node from the remote node comprises: a means for debugging a Web application on the debug node (Charisius, col. 46, lines 15-33).

As per claim 20, Charisius further discloses the system of claim 19, wherein the means for debugging the Web application comprises: a means for starting a Web browser on the remote node to interact with the Web application (Charisius, col. 46, lines 15-33); and a means for

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receiving a debug notification from the debug port of the debug node (Charisius, col. 47, lines 56-60).

As per claim 21, Charisius discloses an article of manufacture comprising: an computer readable instructions that, when executed by an apparatus, cause the apparatus to start a debug node from a remote node (Charisius, col. 34, lines 5-9), wherein the debug node is one of a plurality of nodes within an instance of application servers (Charisius, col. 33, lines 41-55, where the application server for debugging is selected from a list of application servers); isolate the debug node from a messaging service of the instance of application servers (Charisius, col. 33, lines 41-55, where the debug node is isolated because of the deployment of a unique developmental EJB that is separate from any communications on the other server instances); debug an application on the debug node from the remote node (Charisius, col. 47, lines 56-60); and stop the debug node from the remote node (Charisius, figure 58F, where the debug node operation is stopped upon completion of the test run).

As per claim 22, Charisius further discloses the article of manufacture of claim 21, wherein the instructions that, when executed by the apparatus, cause the apparatus to start a debug node from the remote node further cause the apparatus to isolate the debug node from a load-balancing mechanism of the instance of application servers (Charisius, col. 33, lines 41-55, where the application server executing the developmental EJB operates independent of all other nodes so that it is not part of any load-balancing that might exist between the other application instances).

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As per claim 24, Charisius further discloses the article of manufacture of claim 21, wherein the instructions that, when executed by the apparatus, cause the apparatus to debug the application on the debug node from the remote node cause the apparatus to debug a Web application on the debug node (Charisius, col. 46, lines 15-33).

As per claim 25, Charisius further discloses the article of manufacture of claim 24, wherein the instructions that, when executed by the apparatus, cause the apparatus to debug the Web application on the debug node cause the apparatus to start a Web browser on the remote node to interact with the Web application (Charisius, col. 46, lines 15-33); and receive a debug notification from the debug port of the debug node (Charisius, col. 47, lines 65-60).

***Allowable Subject Matter***

Claims 3-7, 13-15, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided on form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua A. Lohn whose telephone number is (571) 272-3661. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAL

  
**SCOTT BADERMAN**  
**SUPERVISORY PATENT EXAMINER**